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1. Transmittal Form (1 pg); and
2. Response to Restriction Requirement (2 pgs).

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Date: 2/17/06

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

2

Application Number 10/701,262

Filing Date 11/03/2003

First Named Inventor Matthew J. Birdsall

Art Unit 1615

Examiner Name Carlos A. Azpuru

Attorney Docket Number 53233-00001

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



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Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Preston Gates &amp; Ellis LLP

Signature

*Michelle S. Glasky*

Printed name

Michelle S. Glasky

Date

2/17/06

Reg. No.

54,124

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Maria Nadal

Typed or printed name

*Maria Nadal*

Date

2/17/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Alexandria, VA 22313-1450.

**PATENT**

Applicant: Matthew J. Birdsall

Serial No.: 10/701,262

Filed: 11/03/2003

Title: METALLIC COMPOSITE COATING  
FOR DELIVERY OF THERAPEUTIC  
AGENTS FROM THE SURFACE OF  
IMPLANTABLE DEVICES

Examiner: Carlos A. Azpuru

Group Art Unit: 1615

Atty Docket No.: 53233-00001 (51298-00001)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**RESPONSE TO RESTRICTION REQUIREMENT**

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Alexandria, VA 22313-1450

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Sir:

In a Restriction Requirement in the Office Action mailed on January 31, 2006, restriction of the claims into one of five groups was requested. Applicants elect Group V, claims 43-54 drawn to a medical device. As this application has been made special and in order to expedite prosecution of this application, Applicants have elected Group II and canceled claims 1-42.

Applicants submit that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe a telephonic interview would be helpful, the Examiner is invited to contact Louis C. Cullman at 949-253-0900.

Application No.: 10/701,262  
Group Art Unit: 1615  
Applicant: Matthew J. Birdsall

PATENT  
53233-00001 (51298-00001)

Although applicants believe that no fees are due with this response, the Commissioner is authorized to charge any fee which may be required in connection with this Notice or credit any overpayment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 2/17/06

Michelle S. Glasky  
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